

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

United States of America,
Plaintiff

v.

Jose Mario Benitez Jaramillo,
Defendant

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Case No. 1:22-MJ-23-SH

ORDER

Now before the Court are Defendant Jose Mario Benitez Jaramillo's Motion to Substitute Counsel (Dkt. 14) and Unopposed Motion for Continuance of Preliminary/Detention Hearing (Dkt. 15), both filed January 24, 2022.

Defendant asks to substitute John Stephen Toland for Federal Public Defender Jose I. Gonzalez-Falla, who was appointed by the Court to represent Defendant. Having considered the motion, the undersigned finds that there is good cause to permit the substitution of counsel, and that Defendant has received notice.

IT IS THEREFORE ORDERED that Defendant Jose Mario Benitez Jaramillo's Motion to Substitute Counsel (Dkt. 14) is **GRANTED**. Jose I. Gonzalez-Falla is hereby **WITHDRAWN** and John Stephen Toland #24029863 is **SUBSTITUTED** as Defendant's counsel of record.

Defendant also moves to continue his preliminary and detention hearing, currently set for January 25, 2022 at 11 a.m. The Court finds good cause for the continuance and hereby **GRANTS** Defendant's Unopposed Motion for Continuance of Preliminary/Detention Hearing (Dkt. 15). Defendant's Preliminary/Detention Hearing is hereby **RESET** to **Wednesday, January 26, 2022 at 2:30 p.m.** The hearing will be held in Courtroom No. 6 on the Sixth Floor of the United States Courthouse, 501 West Fifth Street, Austin, Texas.

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of this order to Defendant, counsel for Defendant, the United States Attorney, U.S. Pretrial Services, U.S. Probation Office, and any surety or custodian, if applicable. Counsel for Defendant shall notify Defendant of this setting.

Pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), the Court finds that the ends of justice served by allowing Defendant additional time in which to prepare outweigh the best interest of the public and Defendant in a speedy trial, in that the failure to grant such a continuance would unreasonably deny Defendant's counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7). Therefore, the Court **ORDERS** that the time from January 25, 2022 through January 26, 2022, be excluded under the Speedy Trial Act.

SIGNED on January 24, 2022.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE